

AFFIDAVIT IN SUPPORT OF
APPLICATION FOR A CRIMINAL COMPLAINT

I, Mary Grace Echols, a Special Agent with the Federal Bureau of Investigation (“FBI”),
being duly sworn, depose and state as follows:

I. INTRODUCTION

A. Agent Background and Experience

1. I am a Special Agent with the FBI assigned to the Richmond, Virginia, Field Office, Charlottesville Resident Agency. I have been employed with the FBI since November 2017. As part of my training to become a Special Agent, I received approximately 18 weeks of instruction at the FBI Academy. Since graduating from the Academy, I have received further training in federal law, including, but not limited to, violations related to the sexual exploitation of children.

2. As an FBI Special Agent, I have conducted and participated in investigations for various violations to include crimes against children and human trafficking. I have training and experience in interviewing and in interrogation techniques, arrest procedures, the execution of searches, evidence review, and various other procedures and investigative methods. Prior to becoming a Special Agent, I was assigned to the Atlanta, Georgia, FBI Office’s Crimes Against Children Unit, providing tactical and administrative assistance for child sexual exploitation and human trafficking investigations.

3. This Affidavit is submitted in support of a Complaint for the arrest of David Gay, Jr. for a violation of 18 U.S.C. § 2242(1) (Sexual Abuse by Threat). Based on the facts set forth below, there is probable cause to believe that on or about April 14, 2023, in the Western District of Virginia and elsewhere, David GAY Jr., did knowingly cause Jane Doe 1 (“JD1”) to engage in a sexual act by threatening or placing JD1 in fear.

B. Sources of Information

4. I have personally participated in the investigation of the offense discussed below. The statements in this Affidavit are based on my personal knowledge and that of other sworn law enforcement officers participating in this investigation. Since this Affidavit is intended to show merely that there is sufficient probable cause for the requested warrant. I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause for the following offenses: sexual abuse, in violation of 18 U.S.C. § 2242(1). Further, this affidavit reflects my current understanding of facts relating to this investigation, but my understanding may change in the future as the investigation proceeds and new information is gathered.

II. TARGET OFFENSE

5. Based upon the information set forth below, I assert there is probable cause to conclude that the Target Offense has been committed by GAY. The elements of the Target Offense are as follows:

- a. The defendant caused, or attempted to cause, another person to engage in a sexual act;
- b. That the defendant did so by threatening or placing that other person in fear;
- c. That the act occurred in the territorial jurisdiction of the United States; and
- d. That the defendant did so knowingly.

III. BACKGROUND OF THE INVESTIGATION AND PROBABLE CAUSE

6. On April 14, 2023, the FBI received a call from the Orange County Sheriff's Office ("OCSO") notifying the FBI that OCSO recovered a 17-year-old female, JD1, walking alongside the road in Orange County, Virginia. JD1 appeared to be under the influence of narcotics.

7. In interviews with JD1, she described the events occurring on April 14, 2023. The information contained in paragraphs 8 to 16, below, reflect the substance of her statements.

8. JD1 disclosed that early in the morning of April 14, 2023, David GAY, Jr. picked up JD1 at her residence in Fredericksburg, Virginia and drove her to his residence in Orange County, Virginia.

9. JD1 originally reached out through text to GAY to ask him for some marijuana. GAY said that he could get her a "bud"¹ but that JD1 had to go with him to meet his drug supplier. GAY instructed JD1 to walk down the road from her house so no one would see her get into his vehicle. JD1 described being nervous and that GAY continued to ask her to leave with him. JD1 walked down the road and saw GAY's truck parked on the road with the lights off.

10. When JD1 approached GAY's truck, she had a bad feeling and did not want to leave with him. GAY pushed the door open and told her to get in. GAY told JD1 they were just going to get the drugs and come back. When JD1 got into GAY's truck, GAY locked the doors so she could not get out. She pulled on the door handle and the door would not open from the inside.

11. GAY drove JD1 to his residence and when they arrived, GAY told JD1 to get into the back seat of the truck. GAY provided JD1 with methamphetamine, weed, and pills of an

¹ Based on my training and experience, a "bud" is a general slang term for marijuana.

unknown type. They initially began doing “dabs”² in the truck, but GAY pushed JD1 to take methamphetamine and capsules containing brownish-gray powder. GAY had sex with JD1 in his truck while parked in the driveway of his residence. JD1 disclosed that she was scared and could not say no because he is 6’2” and 380 pounds and got on top of her.

12. GAY told JD1 that he had met JD1’s parents, and they hate her. GAY tried to convince JD1 to stay with him and told her that they could go to the store, and he would give her his credit card to buy whatever she wanted.

13. GAY then drove JD1 to Shenandoah National Park. JD1 did not feel herself and later felt delusional. JD1 nodded off and felt out of it during the drive. JD1 stated it felt like hours went by. At some point, JD1 passed out and when she woke up, she could not get out of the truck because the doors were locked.

14. When GAY and JD1 arrived at Shenandoah National Park, they hiked the White Oak Canyon Falls trail. White Oak Canyon Falls trail is solely within federal jurisdiction and located in Madison County, within the Western District of Virginia. While hiking the trail, GAY walked behind JD1 and made comments about her butt, saying, “That’s my butt.” They hiked to a waterfall where GAY took pictures of JD1 in front of the waterfall.

15. Next, GAY took JD1 to a restricted area off the trail. JD1 kept asking to leave but GAY refused to let her leave. JD1 did not want to go up the rocks and she was crying as GAY pushed her up a hill and over slippery rocks. Once at the top of the hill, GAY gave her more methamphetamines and sexually assaulted JD1. GAY grabbed JD1, turned her around, pushed her

² Based on my training and experience, I know that “dabs” is a reference to smoking concentrated amounts of marijuana.

down by her shoulders, pulled her pants down, and inserted his penis into her vagina. GAY was so rough with JD1 that it hurt her back and caused her tailbone to feel sore afterwards. JD1 was crying and asked to go home. After GAY ejaculated in JD1, he pushed her down and splashed water on her privates.

16. JD1 described feeling depressed and weird during the hike back to GAY's truck. Every time JD1 would get too far ahead of GAY, he would grab her shirt and tell her not to get that far away from him. JD1 disclosed that on the drive back, GAY panicked and said that he could not go to jail. GAY drove at a high rate of speed and took back roads. GAY eventually stopped the truck and kicked JD1 out of the truck on Burr Hill Road. GAY told her, "We didn't do anything, right?" Before GAY kicked her out of his truck, GAY threatened her by saying that he could get her in trouble with the DEA.³ GAY told JD1 he would send his friend to kill her.

17. JD1's cellphone did not have cellular service set up, so in order to use it, she needed to connect to Wi-Fi. During her time with GAY, JD1 attempted to use her cellphone by connecting to GAY's mobile hotspot but GAY would frequently turn it off so she could not use her cellphone. When she was able to connect, she messaged family members to tell them what road she was on and expressed she was scared. GAY gave JD1 methamphetamines several times throughout the day and made her snort a brownish-grey powder that he told her was fentanyl. They made stops at a gas station and, separately, a county store on the way to and from Shenandoah National Park. When they were in public, GAY would hold onto JD1's arm or hand so she could not go anywhere without him.

³ Based on my training and experience, I believe he is referring to the Drug Enforcement Administration.

18. After JD1 was recovered on April 14, 2023, JD1 was taken to Mary Washington Healthcare in Fredericksburg, Virginia for a Sexual Assault Nurse Examiner Examination. Evidence was collected for a Physical Evidence Recovery Kit. Bruises were visible on her arms and legs. On April 16, 2023, OCSO investigators seized GAY's cellphone, a Samsung Galaxy with phone number (540) 368-4365, GAY's clothing, and GAY's vehicle, a truck bearing Virginia License Plate TUX-5861.

19. As part of the investigation, JD1's parents gave consent to OCSO investigators to search and seize JD1's laptop and cellular phone associated with TextNow account phone number ending in -1056. JD1 also provided law enforcement access to JD1's TextNow account.

20. In reviewing JD1's TextNow account ending in -1056, I observed a series of messages between JD1 and GAY dated April 13 through April 14, 2023. GAY is listed as "Dave," with telephone number ending in -4365. Through database queries, I was able to confirm that the phone number ending in -4365 is associated with GAY.

21. At the beginning of the conversation on April 13, 2023, at approximately 4:58 PM, JD1 told GAY that she was 17 years old. GAY responded by stating that he and JD1 could still go out and nobody had to know. GAY sent JD1 a picture of several one-hundred-dollar bills and said, "Well come see what happens I got plenty cash like I said we figure something out."⁴ GAY texted about coming to JD1's house and told JD1 she should leave with him. GAY told JD1, "Let you see how your gorgeous ass could be living." GAY also told JD1 that he could get her an ID that says she is 21 years old. At approximately 5:44 PM, GAY told JD1, "Make sure you erase all messages so nobody knows nothing." GAY later said, "What between us stays between us k

⁴ Many of these text messages appear as they were in TextNow and those in quotes are quoted verbatim.

nobody knows nothing k.”

22. At approximately 11:24 PM, GAY asked JD1, “You ready for me to come get you?” and proceeded to ask for pictures of her. At GAY’s request, JD1 sent him pictures of herself in various stages of undress to include images revealing her breasts and buttocks. GAY told JD1, “You gonna make me fall for you.” JD1 told GAY that she is going to come live with him as soon as she is 18 years old and he responded with, “Maybe sooner.”

23. GAY repeatedly told JD1 to leave with him and to trust him. GAY told JD1 he would wait for her, and she was worth waiting on. GAY sent JD1 a picture of himself sticking out his tongue and asked, “What can you do with that?” GAY told JD1 to go to the road beside her house and he would pick her up there. JD1 told him to bring her back that night and at approximately 3:01 AM, GAY promised to bring her back whenever she wants. GAY further told JD1 to not “think” and just come out to meet him. GAY repeatedly told her to come out of the house to meet him and at approximately 4:04 AM, GAY texted JD1 to “Run,” which is the final text message.

24. On April 14, 2023, from 3:14 PM to 3:16 PM, GAY sent twelve images depicting a waterfall in the woods to JD1’s TextNow number. Of those images, one depicted GAY sitting on a rock in front of a waterfall. Seven of the images depict JD1 wearing a t-shirt, sitting on a rock in front of the waterfall. One picture depicts JD1 standing on top of a waterfall, facing away from the camera.

25. On May 4, 2023, I took photographs of White Oak Canyon Falls trail in Shenandoah National Park in order to identify locations described by the victim and depicted in photographs captured on April 14, 2023, observed in JD1’s TextNow messages. I confirmed the

photographs of JD1 and GAY were taken at the White Oak Canyon Falls in Shenandoah National Park. One image from the TextNow messages depicting JD1 appeared to be taken in a restricted area off the trail on top of a waterfall. I hiked past a fence into a restricted area off the trail. The location I observed appeared to be the same location depicted in the image of JD1 and described by JD1 in her forensic interview.

CONCLUSION


26. Based on the foregoing, I respectfully submit that there is probable cause to believe that David GAY, JR. committed a violation of 18 U.S.C. § 2242(1) on or about April 14, 2023 and in the Western District of Virginia.

Respectfully submitted,



MARY ECHOLS
Special Agent
Federal Bureau of Investigation

Received by reliable electronic means
and sworn and attested to by telephone
on 28th day of June, 2023.



JOEL C. HOPPE
United States Magistrate Judge